

Message

From: Karl Moor [k [Personal privacy] .com]
Sent: 12/4/2019 6:36:48 PM
To: Moor, Karl [Moor.Karl@epa.gov]
Subject: [SPAM-Sender] Resume_Martell 2019.doc
Attachments: Resume_Martell 2019.doc

Regards, Karl

Message

From: Leslie Sue Ritts [lritts@rittslawgroup.com]
Sent: 12/10/2019 5:08:16 PM
To: Moor, Karl [Moor.Karl@epa.gov]
Subject: NB- NEDA's Meeting with Kelley is Scheduled at 1:30, not 1 on Friday.

FYI



Leslie Sue Ritts
 Ritts Law Group, PLLC
 7330 Mallory Circle
 Alexandria, VA 22315
 (703) 823-2292 (office)
 (703) 966-3862 (cell)
lritts@rittslawgroup.com

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From: Moor, Karl <Moor.Karl@epa.gov>
Sent: Monday, December 9, 2019 6:45 PM
To: Leslie Sue Ritts <lritts@rittslawgroup.com>
Cc: George Sugiyama [Personal privacy] <[REDACTED]@epa.gov>
Subject: [EXTERNAL] Re: From George Sugiyama

Leslie, Al would be so good to see; will let Kelly know and drop in as she sees fit. Challenging beyond words but love it and the people. Regards, Karl

On Dec 9, 2019, at 5:21 PM, Leslie Sue Ritts <lritts@rittslawgroup.com> wrote:

Hi Carl – OMG, what are you thinking? (But they can really use the help over there.)

I am coming over there on Friday with NEDA/CAP, but I did *not* ask George to ask you if I can meet with you too. BUT SINCE he did ask you, and you said YES, I'd love to see you. About four of us are coming over to meet Kelley Raymond from 1-1:45. Just drop in and save her from us. I'll see if I can get Al Collins to come, although he may have told you that he's working directly for Vicki Hollub these days and thus spending all of his time in Houston.

<image001.png>
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From: George Sugiyama <[Personal privacy]com>
Sent: Monday, December 9, 2019 5:11 PM
To: Leslie Sue Ritts <[rittss@rittslawgroup.com]>
Subject: [EXTERNAL] Fw: From George Sugiyama

From: Moor, Karl <Moor.Karl@epa.gov>
Sent: Monday, December 9, 2019 5:02 PM
To: George Sugiyama <[Personal Privacy]com>
Subject: RE: From George Sugiyama

George, only you would understand how strange it is to hear people talking about words that you and I drafted almost thirty years to the day! When you get back up here would love to see you but meantime it will be a pleasure to see Leslie and I will break away from whatever I am doing or if she wants to lock in a time we can do that. Your Friend, Karl

From: George Sugiyama <[Personal privacy]com>
Sent: Monday, December 9, 2019 4:55 PM
To: Moor, Karl <Moor.Karl@epa.gov>
Subject: From George Sugiyama

Hey Karl:

Every time you think you are out, they drag you back in. Welcome back to EPA. There is chaos in the air office and you will provide the necessary expertise.

[Personal privacy] ***My wife, Leslie Ritts is still very active in EPA matters. She has a lot of cases in the DC circuit against EPA. Leslie has plans to visit EPA on Friday and was wondering if she could meet with you. I know that you are being inundated with calls and emails, but, please try to help her out if you see her phone number, [Personal privacy] or email crossing your desk. Nice to have you back.***

George

Message

From: Leslie Sue Ritts [lritts@rittslawgroup.com]
Sent: 12/10/2019 5:01:27 PM
To: Jacks, Susan [Jacks.Susan@epa.gov]
CC: Raymond, Kelley [Raymond.Kelley@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Moor, Karl [Moor.Karl@epa.gov]; Harlow, David [harlow.david@epa.gov]
Subject: Oops, Our 1:30 Friday Meeting with Kelley

Sorry, Susan, I meant 1:30 pm meeting with Kelley.



From: Leslie Sue Ritts
Sent: Tuesday, December 10, 2019 11:54 AM
To: 'Jacks, Susan' <Jacks.Susan@epa.gov>
Cc: 'Raymond, Kelley' <Raymond.Kelley@epa.gov>; 'Dominguez, Alexander' <dominguez.alexander@epa.gov>; 'Moor, Karl' <Moor.Karl@epa.gov>; 'Harlow, David' <harlow.david@epa.gov>
Subject: RE: NEDA/CAP Request for a December 13 Early Afternoon Meeting with NEDA/CAP

Hi Susan – NEDA/CAP will see you all at 1 pm. I expect to bring the following people to meet with Kelley on OAR and NEDA/CAP priorities. Some others listed below will be on the phone. We can use NEDA's conference number (unless Kelley prefers to use an EPA ## - Just let me know): **NEDA's # is [Personal privacy] (moderator PIN [Personal privacy], and participant PIN # [Personal privacy]).**

In Person

Steve Higley, Marathon Petroleum
 Dave Pavlich, Phillips 66
 Steve Lomax, Koch Industries
 Jim Nolan, BP America
 Al Collins, Occidental Petroleum
 Leslie Ritts, NEDA/CAP

On the Phone (*there may be others that join*)

Matt Iwicki & Kristin Marshall, Boeing
 Barbara Bankoff, for Eli Lilly
 Anu Kunapuli, Merck
 Kenneth Comey &/or Mike Hopperton &/or Dana Wood, BP America
 Jennifer Cogswell, Koch Ag & Energy Solutions

We look forward to seeing you all on Friday! And many thanks for your help,



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From: Jacks, Susan <Jacks.Susan@epa.gov>
Sent: Monday, November 25, 2019 12:30 PM
To: Leslie Sue Ritts <lritts@rittslawgroup.com>
Subject: [EXTERNAL] FW: NEDA/CAP Request for a December 13 Early Afternoon Meeting with NEDA/CAP

Good Afternoon Leslie,

Presently, Kelley's calendar is open on Dec 13. Beginning at 10:00 AM. What time will be most convenient for you and your clients?

Susan

From: Raymond, Kelley <Raymond.Kelley@epa.gov>
Sent: Monday, November 25, 2019 12:18 PM
To: Leslie Sue Ritts <lritts@rittslawgroup.com>
Cc: Jacks, Susan <Jacks.Susan@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Harlow, David <harlow.david@epa.gov>
Subject: RE: NEDA/CAP Request for a December 13 Early Afternoon Meeting with NEDA/CAP

Leslie-

Appreciate you reaching out, and apologies for the delay but was away last week. I'm open on the 13th and happy to meet. I've added Susan who can help with the attendee list and logistics. My portfolio will primarily mirror Clint's, if that's helpful for reference, but happy to discuss in the meeting. If there are any subjects in particular you all would want to discuss, an agenda would be great.

-Kelley

From: Dominguez, Alexander <dominguez.alexander@epa.gov>
Sent: Wednesday, November 20, 2019 3:29 PM
To: Raymond, Kelley <Raymond.Kelley@epa.gov>
Cc: Harlow, David <harlow.david@epa.gov>; Leslie Sue Ritts <lritts@rittslawgroup.com>
Subject: RE: NEDA/CAP Request for a December 13 Early Afternoon Meeting with NEDA/CAP

Making sure this gets to the correct Kelley!

From: Leslie Sue Ritts <lritts@rittslawgroup.com>
Sent: Wednesday, November 20, 2019 1:27 PM
To: Raymond.Kelley@epa.gov
Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>; Harlow, David <harlow.david@epa.gov>
Subject: NEDA/CAP Request for a December 13 Early Afternoon Meeting with NEDA/CAP

Dear Kelly,

Congratulations on your appointment to the Office of Air & Radiation.

I am writing to request a meeting with you on behalf of my client NEDA/CAP (the National Environmental Development Association's Clean Air Project) on Friday afternoon, December 13th. NEDA/CAP is one of the oldest DC Clean Air Act manufacturing coalitions. Our focus is on cross-cutting CAA manufacturing issues such as permitting, state implementation planning, and instrumental monitoring (i.e., not the NAAQS themselves or any particular industry NESHAPS or NSPS). I guess that I should mention that we have been involved in the section 608 refrigerant management rulemaking because that may be an issue that we can't discuss even if it makes it back from OMB before mid-Dec., but I will let you direct us regarding that topic. We would very much like learn more of "your OAR portfolio." (Note, I've copied Alex and David on this request because I hope that they will vouch that we would not be a waste of a Friday afternoon—)

NEDA/CAP's members include companies like Boeing, Merck, Phillips 66, Koch Industries, and Procter & Gamble. I've attached a membership list for you to take a look at – you probably know some of these folks.

If Dec. 13th is a convenient time for you, I would expect that from 45 minutes-an hour would be ample time for a meeting. There are likely to be 6-8 people attending, many from out of town. We can come over to EPA or if you prefer a short walk, we will be meeting right up 12th street at Marathon's offices .

Many thanks and let me know if this time work for you,



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Message

From: Leslie Sue Ritts [lritts@rittslawgroup.com]
Sent: 12/10/2019 3:31:08 PM
To: Moor, Karl [Moor.Karl@epa.gov]
Subject: RE: From George Sugiyama

That's awesome Karl!!! (And AI is even in DC!!)



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Cc: George Sugiyama <[Personal privacy]com>
Subject: [EXTERNAL] Re: From George Sugiyama

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From: George Sugiyama <[Personal privacy]com>
Sent: Monday, December 9, 2019 4:55 PM
To: Moor, Karl <Moor.Karl@epa.gov>
Subject: From George Sugiyama

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George

Message

From: Byers, Dan [DByers@USChamber.com]
Sent: 12/9/2019 9:04:33 PM
To: Jacks, Susan [Jacks.Susan@epa.gov]
CC: Raymond, Kelley [Raymond.Kelley@epa.gov]; Moor, Karl [Moor.Karl@epa.gov]
Subject: RE: Meeting request

Thanks, Susan, for the speedy follow-up. We will take Tuesday the 7th at 2:00 p.m. (And Karl, apologies for butchering the spelling of your name!)

Dan

Dan Byers
 Global Energy Institute
 U.S. Chamber of Commerce
 (202) 463-5996



From: Jacks, Susan <Jacks.Susan@epa.gov>
Sent: Monday, December 9, 2019 3:37 PM
To: Byers, Dan <DByers@USChamber.com>
Cc: Raymond, Kelley <Raymond.Kelley@epa.gov>; Moor, Karl <Moor.Karl@epa.gov>
Subject: FW: Meeting request

Good Afternoon Mr. Byers,

Let's look at January since the end of the year gets so crazy with deadlines and vacations. Would any of the following times work for you?

Tuesday, 1/7 @ 2:00 or 3:00 pm
 Wednesday, 1/8 @ 2:00 or 3:00 pm
 Thursday, 1/9 @ 2:00 or 4:00 pm

Thank you,
 Susan

From: Raymond, Kelley <Raymond.Kelley@epa.gov>
Sent: Monday, December 9, 2019 2:29 PM
To: Byers, Dan <DByers@USChamber.com>
Cc: Jacks, Susan <Jacks.Susan@epa.gov>
Subject: RE: Meeting request

Dan-

Thanks so much! I mentioned it to Karl earlier, and we're both looking forward to seeing you all. Susan (cc'd) can help in finding the best time between his and my calendar in the next couple weeks.

Kelley Raymond
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Byers, Dan <DByers@USChamber.com>
Sent: Monday, December 9, 2019 1:26 PM
To: Raymond, Kelley <Raymond.Kelley@epa.gov>
Subject: Meeting request

Hi Kelley,

Congrats on your new position over at EPA OAR! Our small team here (myself, Heath Knakmuhs, and Chad Whiteman) is interested in coming in for a quick introductory meeting with you and Carl Moore to give you a sense of the most important issues to our membership.

Please let me know if you have some time over the next couple of weeks. If not, I think the first half January would be fine as well. Thanks!

Dan

Dan Byers
Global Energy Institute
U.S. Chamber of Commerce
(202) 463-5996



Message

From: HSPD12Admin@usaccess.gsa.gov [HSPD12Admin@usaccess.gsa.gov]
Sent: 12/2/2019 3:03:09 PM
To: Moor, Karl [Moor.Karl@epa.gov]; KARL [Personal privacy]@COM
Subject: USAccess - Credential Ready for Pick Up

Dear KARL MOOR,

In this email, you will learn where to pick up your USAccess Credential including any special instructions, what you need to bring to the activation appointment, and how to make an appointment for activating it.

1. Your USAccess Credential for ENVIRONMENTAL PROTECTION AGENCY is Ready for Pick Up at:

Environmental Protection Agency
1201 Constitution Ave NW
WJC-East B317
Washington,DC 20460

2. Special Instructions:

3. WHAT TO BRING TO YOUR APPOINTMENT

Please bring the one time Password included below to your appointment, as you will need it to activate your new credential.

Please also bring two valid and non-expired forms of ID to your USAccess credential activation appointment. Two forms are required to validate your identity in the event fingerprint verification during activation or card update is unsuccessful. At least one of these IDs must be a Government-issued photo ID.

To review a complete list of acceptable forms of identity documentation and policies regarding presentation of names on these documents, please go to the following link: <http://www.fedidcard.gov/viewdoc.aspx?id=109>.

NOTE: Your first and last names MUST match the names on the identity documents you provide AND the USAccess credential.

Password: 87135356

With this Password, you may be able to use the self-service mode known as Unattended Activation to activate your credential. To learn how to use this feature, retrieve the Unattended Activation Guide at <http://www.fedidcard.gov/credget.aspx>.

4. Make an Appointment to Activate Your Credential

If your agency uses the GSA Online Scheduling System, to schedule an appointment, visit <https://portal.usaccess.gsa.gov/scheduler>

For more information or instructions about how to schedule an appointment, visit the USAccess website at www.fedidcard.gov/credappointments.aspx.

*** This email was generated by an automatic process. Please do not reply to this email.

If you have any questions or concerns, please contact your supervisor or your Agency's security office.***

The USAccess program is a government-wide initiative to issue common, federal ID credentials to all federal employees and contractors. These credentials provide federal employees with an easily recognizable way to identify themselves as well as trust the identity of other USAccess credential holders.

The GSA Managed Service Office (MSO) established the program in response to Homeland Security Presidential Directive-12 that requires federal agencies to produce and issue PIV-compliant credentials to employees starting in October 2006.

For more info, please visit the USAccess Program site at <http://www.fedidcard.gov/>

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Message

From: Karl Moor [Personal privacy [com]]
Sent: 12/9/2019 6:56:19 PM
To: Moor, Karl [Moor.Karl@epa.gov]
Subject: Photos with Administrator







Regards, Karl

Message

From: Donald Welsh [dwelsh@ecos.org]
Sent: 12/9/2019 6:52:24 PM
To: Idsal, Anne [idsal.anne@epa.gov]
CC: Ben Grumbles [ben.grumbles@maryland.gov]; Kelly Poole [kpoole@ecos.org]; Moor, Karl [Moor.Karl@epa.gov]; Shaw, Betsy [Shaw.Betsy@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]; Kornlyak.Vera@epa.gov; Pino, Maria [Pino.Maria@epa.gov]; Richardson, RobinH [Richardson.RobinH@epa.gov]; Barbery, Andrea [Barbery.Andrea@epa.gov]
Subject: Re: SIP Lean Toolkit

Anne:

Thank you very much for your work on this effort and for transmitting the final Toolkit. We will be certain to share it with our membership.

Don Welsh

On Mon, Dec 9, 2019 at 12:16 PM Idsal, Anne <idsal.anne@epa.gov> wrote:

Dear Ben and Don,

I am pleased to transmit the final “*State implementation Plan (SIP) Lean Toolkit for Collaboration Between EPA and Air Agencies*” (or “SIP Lean Toolkit” for short) for you to share with ECOS’ membership. You may recall from previous communications that the Toolkit is intended to support implementation of early engagement between air agencies and EPA in the SIP development process. Early engagement was identified as a key to timely SIP approval in a lean kaizen event held in February 2018 which included EPA, state and local air agency participants. The Toolkit provides checklists, templates and other tools to help operationalize early engagement.

We very much appreciate the comments we received from a number of states on the draft of the Toolkit we circulated for review in October. Those comments have been addressed in this version, including a change to the title of the document – from a “Guide” to a “Toolkit” -- to better communicate its intended purpose. We are also sharing the SIP Lean Toolkit with AAPCA and NACAA and will be posting it on our website at <https://www.epa.gov/criteria-air-pollutants/how-epa-works-states-sips>.

We look forward to using these tools in partnership with state and local agencies to further strengthen and improve the SIP development and approval process so critical to our shared success in improving air quality.

Thank you,

Anne

Anne L. Idsal

Principal Deputy Assistant Administrator

U.S. EPA – Office of Air and Radiation

(202)564-6685 (direct)

(202)870-7547 (cell)

--

Donald S. Welsh

Executive Director

Environmental Council of the States

NOTE OUR NEW ADDRESS:

1250 H Street NW, Suite 850

Washington, DC 20005

202-266-4929

***State Implementation Plan (SIP)
Lean Toolkit for Collaboration
Between EPA and Air Agencies***

**United States
Environmental Protection Agency
December 6, 2019**

EPA's SIP Lean Toolkit for Collaboration Between EPA and Air Agencies

I. Purpose of this Document

This document provides non-binding tools for state and local air agencies to support coordination and collaboration with the U.S. Environmental Protection Agency (EPA) during the development of state implementation plans¹ (SIPs) under the Clean Air Act. The document is the product of recent joint EPA and air agency SIP process improvement efforts, which have built on previous collaborative work. Although use of this Toolkit is completely voluntary, it is intended to be helpful in supporting development of all types of SIPs, and in promoting timely SIP review and action by EPA.

The specific focus of this Toolkit is to support early engagement between air agencies and EPA during the air agency's SIP development process. Early engagement is an important collaboration tool because it provides opportunities to identify and raise issues that may impact approvability of a SIP submission early enough in the air agency's SIP development process to enable changes prior to the public comment period at the state/local level. In addition, early engagement enables EPA to develop familiarity with forthcoming SIP submittals so that EPA is poised to take timely action on incoming submittals from air agencies.

II. Background on EPA SIP Lean Process

EPA strives to take timely action on newly submitted SIPs while also taking action on SIPs that are past due for action pursuant to Clean Air Act (CAA) timelines described in section 110(k)(2)². EPA is using continuous improvement (lean) tools to identify and implement further improvements in EPA's SIP review and action processes.

EPA and air agencies have focused considerable attention and resources over a number of years on improving SIP management and reducing the SIP backlog. The current SIP lean effort was initiated in February 2018 with a week-long kaizen event involving EPA participants representing every Region and Headquarters, along with four state and local air agency representatives. A primary recommendation that emerged from the SIP kaizen event is for EPA to work more proactively with air agencies during SIP development to identify and resolve issues before the SIP is adopted by the air agency and formally submitted to EPA. EPA's improved process, developed from the kaizen event recommendations, suggests that early engagement can help to support air agencies in SIP development as well as improve the timeline for EPA review and action on a submitted SIP.

III. Early Engagement During Air Agency SIP Development

¹ For brevity, this document refers to all state implementation plan submissions, including revisions of a State Implementation Plan as "SIPs." This includes plans addressing implementation of national ambient air quality standards (NAAQS) and the regional haze program.

² EPA considers SIPs to be "backlogged" if EPA has not taken final action within the CAA deadlines. Under CAA section 110(k)(2), EPA is required to take action on a SIP within 12 months after it is deemed complete. If EPA does not make a completeness determination, a SIP is deemed complete by operation of law 6 months after receipt of the SIP submittal.

A. General Process

Under the framework of “early engagement,” EPA could be working with air agencies from the time the air agency begins planning for the development of the SIP³ to the time the SIP is formally submitted to EPA for review and action via the State Planning Electronic Collaboration System (SPeCS).⁴ A key aspect of early engagement is that it occurs early enough in the air agency’s SIP development process that there is sufficient time for EPA to review and provide feedback on the content, and for the air agency to make changes, all prior to the public notice and comment period at the state/local level. The idea here is that if EPA can provide feedback, particularly in terms of flagging issues that could impact approvability, on an early engagement draft SIP, EPA will be better able to take more efficient action when the SIP is formally submitted for EPA review and action, resulting in less re-work and more routine achievement of the statutory deadline for final action on the SIP.

Early engagement does not guarantee that no other issues will arise regarding the SIP revision once it is formally submitted to EPA for review and action; however, EPA expects that early engagement will reduce those occurrences. Further, early engagement with EPA does not ensure that adverse public comments will not be received during the local, state, and/or federal public comment period, or that the SIP will not be delayed due to other unforeseen circumstances such as a court decision. If adverse comments are received or other novel issues arise, additional discussions between EPA and the air agency would likely occur.

B. Workload Planning

A key element of prior SIP improvement efforts was an emphasis on coordination between EPA and air agencies, such as planning for the annual SIP workload. To support this goal, EPA Regional offices encourage air agencies to provide them with a list of SIPs air agencies anticipate developing in the upcoming federal fiscal year and beyond, if possible.⁵ This workload planning can help identify the SIPs for which it will be most important to allow time for early engagement. EPA intends to prioritize early feedback to air agencies on draft SIPs submitted to EPA with sufficient time for such review. Regular communications between air agencies and EPA Regional offices are expected to result in refinements and updates to this initial list throughout the year. EPA recognizes that it may not be possible to fully identify all SIPs in advance of the fiscal year.⁶

The air agency and Region may consider whether to establish or update their memorandum of agreement (MOA), 4-year plan, or other documents related to SIP coordination and planning to

³ EPA also encourages coordination with potentially impacted Tribe(s) early in the SIP process so that they have the opportunity for meaningful input. In some cases, EPA will also offer consultation with the potentially impacted Tribe(s).

⁴ Ideally, there will be some level of engagement and coordination between the air agency and EPA for every SIP revision being developed. However, if resources do not allow for full “early engagement,” a Region can prioritize engagement on certain types of SIP revisions (e.g., complex SIP revisions), and would likely engage with air agencies in identifying priorities.

⁵ Complex SIPs that involve modeling or other technical components may take air agencies years to develop. For those SIPs, workload planning and early engagement should start as early as possible.

⁶ Multi-year SIP plans are a useful tool for long term workload planning.

include expectations regarding the SIP lean process, particularly early engagement (*see* the MOA/Joint Agreement Template in Appendix C). While some air agencies may find MOAs to be useful, they are not mandatory.

C. Who at EPA is involved in the Early Engagement Process?

There are several EPA personnel who are critical to successful implementation of the SIP lean process and will participate in the early engagement process with air agencies:

SIP Lead: The SIP Lead is the Regional staff person assigned to a SIP with overall responsibility for shepherding a SIP through EPA's review and action process, and who plays a strong convening role throughout the process.

SIP Team: EPA Regional offices will assign the appropriate technical and legal experts to assist the SIP lead through the early engagement process and in timely review of the submitted SIP. Depending on the type of submittal, the Regional office would also reach out to EPA Headquarters offices for involvement of experts there as needed.

D. Early Engagement Process Steps

(1) Air Agency Drafts a SIP Development Schedule

Participants in the SIP lean kaizen event recommended that the air agency initiate the SIP development process by drafting a SIP Development Schedule (*see* Appendix A).⁷ The purpose of the SIP Development Schedule is to facilitate communication between the air agency and EPA on key milestone dates for developing the SIP and to identify potential issues needing resolution. To be most useful, the SIP Development Schedule would be completed before the air agency begins drafting the SIP, ideally least six months prior to when EPA's review of the early engagement draft SIP is expected. EPA appreciates that this process is not required and may not be needed on every SIP, but sharing anticipated timing and schedules would help EPA and air agencies plan workloads to better meet targeted dates. This approach is especially recommended for complex SIPs or when air agencies anticipate adverse comment at the state/local level. For such SIPs, the air agency may find it useful to submit portions of the SIP to EPA for feedback prior to sharing a complete draft. Such reviews may be iterative and to that end, ideally the schedule would provide adequate time to accommodate these early reviews. Air agencies and EPA Regional offices may want to discuss the SIP Development Schedule and reach an understanding regarding next steps for moving forward. Questions to guide this discussion are identified in Appendix A of this document.

A key aspect of the schedule is an opportunity for the air agency to share a complete early engagement draft of the SIP for EPA review prior to the air agency's public comment period,

⁷ In recommending use of a SIP Development Schedule, EPA does not view this as requiring additional burden or work on the part of the air agency. Discussions with air agencies indicate that many air agencies already use these types of tools as part of their SIP development processes. Sharing this information can help facilitate effective communication with EPA. This process is recommended to improve efficiency, but is not required.

ideally **4 months to 1 year⁸ prior to the planned date for formal submittal** of the SIP to EPA. Keeping with the idea of the schedule, the schedule ideally would also provide adequate time for EPA review and comment on the early engagement draft (**30 to 60 days, depending on the complexity⁹ of the SIP**)¹⁰ and allow for additional time for resolution of any approvability issues (consistent with the air agency's needs). For SIP revisions required for 2015 ozone nonattainment areas, please *see* the [Ozone Quick Start Guide](#) for additional information.

The SIP Lead will strive to provide feedback to the air agency within 14 days after receiving the draft SIP Development Schedule. The air agency is encouraged to complete the SIP Development Schedule within 14 days of receiving EPA's feedback.

(2) Initial Conceptual Discussions between EPA and Air Agency

Conceptual discussions are informal discussions between the air agency and EPA regarding the air agency's approach to a complex SIP revision prior to the air agency drafting a SIP submission. Conceptual discussions involve the air agency presenting ideas and asking questions to get EPA's initial feedback to inform SIP development. To the extent possible, issues identified by the air agency and EPA ideally would be resolved during these conceptual discussions.¹¹ These discussions could also cover the technical aspects of the SIP, including model protocols and inventory development, as appropriate, to reach agreement on the approach to modeling and emissions inventory.

(3) Ongoing Discussions

Consistent with current common practice, EPA and the air agency will likely continue to have discussions on SIP development and may establish regular meetings for complex SIP revisions. In some cases, particularly for complex SIP revisions, it might be helpful for the air agency to submit pieces of the draft SIP for informal review as they are ready, prior to submitting a complete early engagement draft for EPA review. Where applicable, draft modeling protocols and inventory development plan are relevant topics for ongoing discussions between EPA and air agencies, and air agencies are encouraged to share those documents with EPA. The SIP Development Schedule could be updated, as needed, to reflect those discussions between EPA and the air agency.

For attainment plans, EPA has developed the Attainment Plan Development Checklist (*see* Appendix B), which the air agency can use in developing the SIP revision. The Checklist can

⁸ Air agencies' SIP development procedures vary widely. In addition, the time needed for SIP development depends on the nature of the SIP and the specific issues in the area. Therefore, the 4 to 12 months timeframe is a suggested range. For any given SIP, the time needed for early engagement may be longer or shorter. The air agency and Region should agree on the appropriate timeframe for each SIP.

⁹ A "complex" SIP is generally one where the Region needs to involve EPA Headquarters. Complex SIPs include "first of their kind" SIPs and significant SIPs such as attainment plans. Complexity may arise due to inconsistency with previous actions, matters in litigation, and other issues likely to receive significant adverse public comment.

¹⁰ There may be situations where EPA needs more time for early engagement review and that will need to be negotiated with the air agency. Complexity of the SIP will be assessed and determined on an individual basis. For complex SIP revisions, EPA Headquarters may participate as part of the SIP Team.

¹¹ EPA cannot provide a full evaluation at the conceptual discussion stage. In addition to further development of the SIP revision between conceptual design and submittal, often other events (for example, litigation, policy, and/or regulatory changes) may occur between the time of the conceptual discussion and when the SIP is submitted that may change EPA's position.

assist the air agency in identifying where and how in the attainment plan various CAA and regulatory requirements are met. EPA may also use this checklist to review the draft early engagement SIP.

(4) Air Agency Notifies EPA of Early Engagement Draft Submission

For this step, the air agency is encouraged to notify EPA, preferably two to four weeks in advance of sharing the early engagement draft with EPA. Such discussions on the status of SIP development may also take place during the monthly planning calls between air agencies and Regional offices. Should workload or other availability issues for the EPA SIP Team come up at this point, EPA may collaborate with the air agency to establish a longer review period. Likewise, if the air agency needs EPA review in less than 30 days from the date the draft SIP is submitted, the air agency is encouraged to communicate this with EPA.

(5) Air Agency Submits Early Engagement Draft

The air agency submits an early engagement draft (i.e., a complete draft SIP) to EPA, ideally through SPeCS,¹² for review and comment prior to the air agency's public comment period. EPA is encouraging the early engagement draft prior to its public comment period and at least 4 to 12 months prior to formal submittal.¹³

(6) EPA Reviews Early Engagement Draft and Provides Comments

EPA anticipates making early review of draft SIP submissions a high priority and will engage the SIP Team to provide a thorough review, with a focus on identifying approvability issues.

To the extent possible, EPA intends to provide early engagement comments to the air agencies categorized as follows:

- **Key Comments** - potential approvability issues that could impact EPA's ability to take final approval action on the SIP such that EPA recommends the air agency address these issues prior to formal submittal.
- **General Comments** - issues that if resolved would strengthen the formal submission.
- **Other Comments** - helpful things to alert the air agency to but not critical for the air agency to address in their formal submission.

Within the agreed-upon timeframe, the Regional office provides the comments to the air agency in the manner the air agency prefers, but typically in writing, to the extent practical. If EPA is not able to provide complete comments during the early engagement stage because additional discussions on a particular issue are needed, the Region will follow up with the air agency to communicate the status and plan for EPA's input.

(7) The Air Agency Addresses EPA's Comments

A recommended best practice is for EPA and the air agency to meet to hold a conference call to discuss EPA's comments, and changes anticipated by the air agency in response to EPA feedback. EPA appreciates that such meetings may not always be practical to schedule; however,

¹² EPA appreciates that stakeholders are interested in transparency regarding the status of EPA's review. Moving towards one submittal system for draft SIPs would support that goal.

¹³ Because the details of each SIP are unique, 4 to 12 months may not be appropriate. A different timeframe could be agreed upon by the air agency and EPA Region.

success of early engagement hinges on ongoing and regular communications and EPA encourages holding these specific meetings or calls, particularly for complex SIPs. For simpler SIPs, other communication options may suffice.

(8) Air Agency Initiates Public Comment Period

After considering EPA's comments, and finalizing a draft SIP revision, the air agency usually then prepares for its public comment period. EPA encourages air agencies to submit to EPA the link to the public comment period proposed SIP revision, preferably through SPeCS. The air agency public comment period is another opportunity to get input from potentially impacted Tribe(s), in addition to the recommended coordination earlier in the SIP development process.

(9) EPA's Review and Comments during the Air Agency's Public Comment Period

EPA may provide comments on the SIP during the air agency's public comment period. Examples of comments EPA may make at this stage include, but are not limited to: "Key Comments" identified by EPA during early engagement that have not yet been addressed in the public comment draft SIP; any new EPA "Key Comments" that were not identified during early engagement review due to, for example, new litigation considerations, policy changes, or recent regulatory actions that change how EPA would review and comment on the SIP; and any new language that has been added that EPA did not have an opportunity to comment on during early engagement.

EPA may also provide comments on SIPs where there was no review of an early engagement draft of the SIP. If a thorough EPA review of a SIP within the air agency's 30-day public comment period is not possible, the Regional office will alert the air agency regarding EPA's inability to provide approvability feedback at this stage. The air agency may decide to allow more time for EPA to provide input or may decide to move forward with the SIP with the understanding that issues may be identified by EPA after the SIP is formally submitted.

The SIP Lead will notify the air agency in advance whether EPA is planning to submit comments. EPA will then submit a comment letter to the air agency as appropriate. The SIP Lead will offer to hold a conference call with the air agency to discuss the comments and answer questions. This call may include others on the SIP Team as appropriate. The air agency is encouraged to continue to coordinate with EPA as it makes any further revisions to the SIP before submission to EPA.

If EPA is not able to provide the air agency with complete comments during the public comment period because additional discussions on a particular issue are needed, the Region will follow up with the air agency to communicate the status and plan for EPA's input. EPA acknowledges that air agencies may not be able to address EPA comments received after the close of the public comment period.

E. Air Agency Adoption & Submittal of SIP Revision (Post-Early Engagement)

(1) Air Agency Addresses Public Comments

Ideally, air agencies will let EPA know if they receive an adverse public comment during their public comment period that raises a significant new issue which might affect the approvability of

the SIP. Further discussion may be helpful between the air agency and EPA to resolve any issues that emerge during the public comment period. A key idea associated with early engagement is that potential approvability issues would be addressed prior to the air agency formally submitting the SIP to EPA.

(2) Air Agency Adopts SIP Revision and Submits it to EPA through SPeCS

The final step in the air agency's SIP revision process is adoption of the formal submission by the air agency, consistent with individual air agency processes, and submittal to EPA.

IV. Checklist for the SIP Lean Toolkit

This checklist is a discretionary tool for air agencies to use in managing a SIP revision through the SIP lean early engagement process in a manner consistent with existing SIP development obligations. The steps summarized here are explained in detail in the previous sections of this SIP Lean Toolkit. This checklist is organized into tables according to the key steps in the process. For reference, the step numbers in the table correspond to the process step numbers in the Toolkit.

Early Engagement during Air Agency SIP Revision Development			
✓	Action	Responsible Person (and others that might be involved)	When (Recommended timeframes)
1. Air Agency Initiates SIP Development by Drafting a SIP Development Schedule			
	Air agency develops the SIP Development Schedule and shares with the SIP Lead for review and feedback on draft.	Air Agency (SIP Lead)	Completed at least 6 months prior to when EPA review of the early engagement draft SIP is expected. EPA should provide feedback within 14 days of receipt of draft
	Air agency finalizes SIP Development Schedule (SDS) and provides to SIP Lead for awareness.	Air Agency (SIP Lead)	Final SDS within 14 days of EPA feedback
2. Initial Conceptual Discussions between EPA and Air Agency			
	Air agency or SIP Lead schedule discussions with air agency, as appropriate, to discuss potential issues, ask questions, identify relevant guidance, and communicate EPA's expectations.	SIP Lead (Air Agency, SIP Team)	
3. Ongoing Discussions			
	EPA and the air agency continue to have discussions on SIP development and may have regular meetings for complex SIPs. Submission of portions of SIPs to facilitate discussion is encouraged if the entire SIP is not yet available.	SIP Lead (Air Agency, SIP Team)	
4. Air Agency Notifies EPA of Early Engagement Draft Submission			
	The air agency notifies EPA in advance of sharing an Early Engagement Draft to EPA for review.	Air Agency	2-4 weeks before air agency plans to send Early Engagement Draft
5. Air Agency Submits Early Engagement Draft			

Early Engagement during Air Agency SIP Revision Development			
✓	Action	Responsible Person (and others that might be involved)	When (Recommended timeframes)
	Air agency submits Early Engagement Draft for EPA review.	Air Agency	4 -12 months before formal SIP submittal
6. EPA Reviews Early Engagement Draft and Provides Comments			
	<p>EPA reviews Early Engagement Draft with a focus on identifying approvability issues. EPA comments may include:</p> <ul style="list-style-type: none"> • Key Comments - potential approvability issues that should be addressed by the air agency before formal submission of the SIP for EPA review and action, • General Comments - issues that if resolved would strengthen the formal submission but EPA could address in EPA's proposed action without the air agency addressing them, and • Other Comments - helpful things to alert the air agency to but not critical for the air agency to address in their formal submission. 	SIP Lead (SIP Team)	EPA provides comments to the air agency within the agreed upon timeframe (typically 30 – 60 days).
7. The Air Agency Addresses EPA's Comments			
	EPA and the air agency should have a follow-up call to discuss/clarify EPA comments; additional follow-up may be encouraged on certain issues. Air agency discusses any changes to SIP Development Schedule.	Air Agency, SIP Lead, (SIP Team)	
8. Air Agency Initiates Public Comment Period			
	The air agency submits the weblink to EPA for the public comment period on the proposed SIP revision to EPA through SPeCS. The air agency public comment period is another opportunity to get input from potentially impacted Tribe(s), in addition to the recommended coordination earlier in the SIP development process.	Air Agency	
9. EPA's Review and Comments during the Air Agency's Public Comment Period			
	EPA may provide comments on the SIP during the air agency's public comment period. The SIP Lead notifies the air agency whether EPA is planning to submit comments.	SIP Lead, SIP Team	EPA provides comments within the public comment period, if applicable.
	The SIP Lead offers to have a conference call with the air agency to discuss the comments and answer questions.	SIP Lead, Air Agency	
	If EPA is not able to provide the air agency with complete comments during the public comment period, the Region will follow up with the air agency to communicate the status and plan for EPA's input.	SIP Lead, Air Agency	

Air Agency Adoption & Submittal of SIP Revision (Post-Early Engagement)			
✓	Action	Responsible Person (and others that might be involved)	When
1. Air Agency Addresses Public Comments			
	The air agency should ensure that that it has adequately addressed all EPA Key Comments by providing EPA with a response to comments document and indicating any changes being made to the SIP to address EPA's comments.	Air Agency (SIP Lead, SIP Team)	
	Further discussion may be needed between the air agency and EPA to resolve any issues that emerge during the public comment period.	Air Agency (SIP Lead, SIP Team)	
2. Air Agency Adopts SIP Revision and Submits Formal SIP Submittal to EPA through SPeCS			

Appendix A: SIP Development Schedule Template

A SIP Development Schedule is an optional but recommended tool for laying out the expected timeline for developing a particular SIP and identifying potential issues. A number of air agencies already use this type of planning tool to facilitate reaching general agreement among the parties involved as to how a SIP will be developed. The table below can be customized as needed. Ideally, a SIP Development Schedule would initiate the SIP development process and be completed by air agencies at least six months before EPA review is expected. As the rulemaking process progresses, the target dates may change, and the air agency is encouraged to notify EPA and other participating agencies of the changes.

Title of SIP: _____

Submission Target Date:

Milestones	Date
Initial Discussion(s) with EPA: Air agency and EPA discuss the questions listed below about project scope, potential issues, available guidance, scheduling needs, and feasibility.	
Draft SIP Development Schedule: Air agency initiates discussion of timing with EPA SIP Lead. This should be completed at least six months before EPA review is expected.	
Final SIP Development Schedule: EPA should provide feedback within 14 days of receipt of the draft schedule. The air agency should finalize it within 14 days of receipt of EPA's feedback.	
Revise SIP Development Schedule: As necessary, the air agency should update the schedule if dates for expected draft and formal submittal change.	
Modeling Protocol and Inventory Development: Air agency sends draft modeling protocol and inventory development plan to EPA, if applicable.	
Modeling Protocol and Inventory Development Review: EPA provides comments on modeling protocol and inventory development plan, if applicable.	
Modeling Results, Draft Control Strategy, and Draft Emissions Inventory: Air agency sends modeling results, draft control strategy and draft emissions inventory to EPA, if applicable.	
Modeling Results, Draft Control Strategy, and Draft Emissions Inventory Review: EPA provides comments on modeling results, draft control strategy, and draft emissions inventory, if applicable.	
Early Engagement Draft: Air agency sends a complete draft SIP revision to EPA for review prior to public comment period. Prior to this step, pieces of the draft SIP may be shared with EPA for informal review as they are completed. Ideally air agencies should provide the	

Milestones	Date
early engagement draft SIP 4 months to 1 year prior to planned official submission.	
EPA Feedback on Early Engagement Draft: EPA provides comments to air agency and identifies approvability issues. Air agencies should provide 30 days for EPA review of routine SIPs and 60 days for review of complex SIPs.	
Follow-up Meeting: Air agency and EPA discuss EPA comments and potential revisions to the SIP Development Schedule. Air agencies should allow enough time to address EPA's comments after receiving them and before the air agency needs to provide documents for publication for their public comment period.	
Public Comment Period Opens: Air agency sends EPA a link to the public review draft and notifies EPA of the comment period closing date.	
Public Hearing: Air agency holds any required public hearings (<i>see</i> 40 CFR 51.102).	
End of Public Comment Period: Final pre-submittal opportunity for EPA comments.	
SIP Submission: Air agency sends SIP submission to EPA.	
Process Evaluation: Air agency and EPA discuss the successes and challenges with the SIP development process on regular calls. The Region compiles recommendations to share with SIP lean workgroup.	

Questions for Initial Discussion with EPA (*can be completed either before or during the initial meeting between EPA and the air agency*)

1. What is the scope of the SIP Revision (in 1-3 sentences)? Include Clean Air Act requirement and available guidance.
2. Are there known technical, legal or policy issues that need resolution? Y/N
If yes, what:
3. Is there a required deadline for the SIP submission or other timing considerations for the submission? Y/N If yes, what is it?

4. Is the air agency requesting that EPA finalize action on the submission by certain date? Y/N
If yes, by what date and why?
5. Are there any expected impacts to tribal interests? If so, what communication and/or coordination is planned with the potentially impacted tribe(s)?¹⁴
6. Names of staff and managers that will be involved in preparing and reviewing the SIP revision:

Air agency:

EPA:

Other agencies:

¹⁴ EPA encourages coordination with potentially impacted Tribe(s) early in the SIP process so that they have the opportunity for meaningful input. In some cases, EPA will also offer consultation with the potentially impacted Tribe(s).

Appendix B: Attainment Plan Development Checklist

EPA Region: _____ State/s: _____ Area: _____ NAAQS: _____
 Other EPA Regions (For Multi-jurisdictional Areas): _____

Checklist Purpose

This checklist is an *optional* tool that is intended to be used by both air agencies and EPA staff to assist in the development of attainment plans that contain the necessary information for timely EPA action. This checklist is a SIP planning tool and not intended to substitute for Clean Air Act or regulatory requirements for SIP submissions. **Use of this checklist does not ensure an attainment plan's approvability by EPA.**

Part 1. Early Engagement & Communications

Criteria	Yes	No	N/A	Optional Comment
1. Was there "early engagement" between the state and EPA in development of this plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2. Has the air agency consulted with EPA on the approach being taken in the submission?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3. For any SIP revisions, has the air agency consulted with EPA about whether a non-interference demonstration under CAA section 110(l) is needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4. Was available EPA guidance identified?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5. For a plan needing a CAA section 110(l) demonstration, has the air agency consulted with EPA on adequacy of the demonstration? a. A section 110(l) demonstration should adequately assess whether the SIP revision will interfere with attainment and maintenance of any of the national ambient air quality standards (NAAQS), reasonable further progress (RFP), or any other applicable requirement of the CAA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6. For a multi-State nonattainment area, did the state air agency coordinate with the other relevant State air agency(ies) throughout the SIP development process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7. Has the air agency consulted with EPA in the approach/es used to quantify emissions reductions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8. Has the air agency consulted with EPA in the approach used to quantify emissions reductions or emission levels from attainment control measures?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Part 2. General Elements

Criteria	Yes	No	N/A	Optional Comment
9. Does the plan clearly outline the geographical area(s) affected?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
10. Does the plan clearly list the relevant Clean Air Act (CAA) and regulatory requirements? The user of this checklist may also use the attached list of CAA and regulatory requirements by pollutant and identify where the plan addresses each requirement.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Does the plan clearly describe how each CAA and regulatory requirement is met?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
11. Does the plan clearly include adequate information to support State's descriptions/claims for each CAA requirement (e.g., each SIP element)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
12. Is the State's approach consistent with EPA's regulations, guidelines, and previous actions, if applicable?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
13. Is there anything in the State's approach that represents a new or modified approach to fulfilling a requirement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
14. Where applicable, does the plan contain a CAA section 110(l) demonstration?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Part 3. Attainment Plan Elements

Criteria	Yes	No	N/A	Optional Comment
BACKGROUND				
15. Is there a brief overview of why the plan was developed and which pollutants are covered?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
16. Are the dates for designation, classification (if applicable) and attainment relevant to the attainment area provided?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
17. Is there a summary of all actions (e.g., reclassification, extension of attainment dates, boundary changes, etc.) that have occurred since the original designation of the nonattainment area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
MONITORING				
18. Is the ambient air quality monitoring network discussed, including such things as scale of representativeness, purpose of site, location of monitors, monitoring start date, and when EPA last approved the network?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
19. Does the plan address and provide air quality data and/or design values for all monitors in the area?				
20. Does the plan identify whether each monitor is using federal reference or equivalent methods (FRM/FEM)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
21. Is the quality assurance, validity, completeness, and certification status of the data discussed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
22. Do the data and/or design values included match Air Quality System (AQS)?				
23. Are any applicable special studies concerning air quality monitoring summarized?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

24. Is there an analysis of the air quality data provided? (e.g., data related to characterizing the source, transport, and fate of the pollution including seasonal variation, correlation to meteorological conditions, and trends.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
25. Are violating data identified and explained, including references to exceptional events requests that have been submitted and/or approved?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
EMISSIONS INVENTORY				
26. Are all the required emissions inventories included in the plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
27. Does the plan include a comprehensive, accurate, current inventory of actual emissions from all sources of the relevant pollutant or pollutants in the area for the base year of the plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
28. Is there agreement on the emissions inventory years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
29. Is the attainment year emissions inventory to any extent based on actual emissions? If yes, please identify the pollutant and source types relying on actual emissions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
30. Does the plan include a detailed explanation of how the emissions inventories were developed including documentation of data sources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
31. Where appropriate, do the emissions inventories in the plan match that reported to the NEI?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
32. Does the plan rely on the latest EPA approved emissions models for mobile sources (non-road and on-road sources?)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
33. Does the plan include motor vehicle emissions budgets (MVEBs) for the attainment and RFP or quantitative milestone years, or alternatively make an insignificance determination for on-road mobile sources for all pollutants of concern (including precursors) for transportation conformity purposes? (Notes: MVEBs and insignificant determinations are covered by the transportation conformity regulations (40 CFR Part 93). MVEBs should not be established in SIPs for revoked NAAQS. Transportation conformity does not apply to the sulfur dioxide and lead NAAQS.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
ATTAINMENT DEMONSTRATION				
34. Does the plan include a demonstration based on modeling that the area will attain by the applicable attainment date?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
35. Is one of EPA's preferred modeling techniques as specified in EPA's Guidelines on Air Quality Models (Appendix W) used to demonstrate attainment of the NAAQS (e.g. Appendix W, Table 8-1)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
36. If an alternative modeling technique not specified in EPA's Guidelines on Air Quality Models (Appendix W) is used, has the State consulted with EPA on adequacy and approvability of such modeling technique as part of the plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
37. Is the modeling adequately documented and are the used parameters sufficiently justified?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
38. Do the modeled emissions limitations restrict dispersion credit in accordance with good engineering practice requirements, per CAA section 123?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

39. Where applicable, instead of an attainment demonstration, does the plan include a demonstration that it is impracticable for the area to attain by its attainment date?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
CONTROL MEASURES				
40. Is there a description of each control measure contained in the control strategy along with a description of the sources covered and pollutants addressed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
41. Are the control measure requirements identified?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
42. Are the adopted control measures permanent and federally enforceable?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
43. Are the adopted control measures part of the SIP or being incorporated into the SIP as part of this plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
44. Are reasonably available control measures (RACM) and technologies (RACT) identified by pollutant and source category, and properly justified?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
45. Does the plan discuss control technologies considered in the evaluation and selection of RACT in the context of technical and economic feasibility?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
46. Are the effective dates of each control measure identified?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
47. Is there an explanation of how the control measures are being or will be implemented?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
48. Is there an explanation of how the control measures are being or will be enforced?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
49. Is there an explanation of how the emission reductions are being or will be determined?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
50. Are emission reductions from adopted control measures quantifiable and surplus?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
51. For voluntary measures, is there a description of the reduction credit requested, how effectiveness will be tracked, and how the implementing agency will respond to shortfalls in emissions reductions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
REASONABLE FURTHER PROGRESS				
52. Does the plan identify how the implementation of the adopted control measures achieves reasonable further progress (RFP)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
53. Does the plan quantify incremental emission reductions needed to achieve RFP?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
54. Does the plan establish a schedule for emissions reductions (i.e., milestones) to track RFP?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
CONTINGENCY MEASURES				
55. Are the contingency measures identified?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
56. Do the contingency measures have an appropriate trigger?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
57. Does the plan contain or rely on early triggered contingency measures?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
58. Will the contingency measures take effect without further action by the state or EPA?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
59. Is an explanation provided on how the contingency measure emissions reductions will be quantified (e.g., 1 year's worth of RFP)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

NEW SOURCE REVIEW				
60. Is the air agency revising its nonattainment new source review (NNSR) rules to meet current NNSR requirements for the area's classification?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
61. Is the air agency "certifying" that their existing SIP is sufficient to meet the current NNSR requirements for the area's classification and include this certification in the attainment plan submission?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
62. Do the NNSR rules address the required precursors (either by inclusion in the rule or through an insignificance demonstration)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
63. If a precursor insignificance demonstration for NNSR has been approved in the past, is the air agency updating the precursor demonstration?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Part 4. Completeness Criteria for Formal Submission

Criteria	Yes	No	NA	Optional Comment
64. Prior its formal submission to EPA, does the plan contain all the necessary administrative materials to meet the completeness criteria sections 2.1 and 2.3 of 40 CFR 51, Appendix V?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
65. Prior its formal submission to EPA, does the plan contain the necessary technical supporting information in accordance with section 2.2 of 40 CFR 51, Appendix V? This includes but is not limited to: <ul style="list-style-type: none"> b. Demonstrations that the NAAQS, PSD increment, RFP, and visibility protection are protected if the plan is approved and implemented? c. Modeling information to support the submission with accompanying information relevant to determine the adequacy of the modeling (such as input data, output data, models used, assumptions used, etc.)? d. Information necessary to determine that emission limits are continuous? e. Appropriate compliance and enforcement strategies? 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Useful Resources

- [Guidance for 2010 1-Hour Sulfur Dioxide \(SO₂\) NAAQS Nonattainment Area SIP Submissions](#)
- [Implementation of the 2008 Ozone NAAQS SIP Requirements Rule](#)
- [Implementation of the 2015 Ozone NAAQS SIP Requirements Rule](#)
- [Implementation of the fine particulate matter \(PM_{2.5}\) NAAQS SIP Requirements Rule](#)
- [General Preamble for the Implementation of Title I of the Clean Air Act \(CAA\) Amendments of 1990 \(57 FR 13498\)](#)
- [EPA's September 23, 1987 Memorandum "Review of State Implementation Plans and Revisions for Enforceability and Legal Sufficiency"](#)
(See Page 366 of "Air Programs Policy and Guidance Notebook, Vol. 2")
- [PM_{2.5} Precursor Demonstration Guidance](#)
- [Air Emissions Reporting Requirements Rule \(AERR\)](#)
- [Emissions Inventory Guidance for Implementation of Ozone and Particulate Matter NAAQS and Regional Haze Regulations](#)
- [Emission Inventory Improvement Program \(EIIP\)](#)
- [Modeling Guidance for Demonstrating Attainment of Air Quality Goals for Ozone, PM_{2.5}, and Regional Haze](#)
- [Information on Air Quality Dispersion Modeling](#)
- [General Guidance on Innovative and Voluntary Air Pollution Control Strategies](#)
- [Information on EPA's Mobile Source Emissions Models](#)
- [Guidance for Using Latest MOVES Model for SIP Development and Transportation Conformity Purposes](#)
- [Transportation Related Documents for State and Local Agencies](#)

ATTACHMENT:

Nonattainment SIP Requirements under Clean Air Act by Pollutant

The table below lists the general nonattainment planning requirements by pollutant under part D of Title I of the Clean Air Act. The Clean Air Act, EPA's regulations in 40 CFR part 51, and applicable EPA policy and guidance should be consulted to ensure that all applicable requirements are adequately met. The last column of this table is recommended to be used in coordination with the Development Checklist to identify where the applicable requirement is being addressed (e.g., page number, section, appendix) in the Attainment Plan.

CAA Provisions		Requirement	Applicability						Plan Identification
			Ozone	CO	PM	SO ₂	Pb	NO ₂	
Subpart 1	Section 172(a)(2)	Attainment Dates for Nonattainment Areas	x	x	x	x	x	x	
Subpart 1	Section 172(a)(b)	Schedule for Plan Submissions	x	x	x	x	x	x	
Subpart 1	Section 172(c)(1)	RACM/RACT	x	x	x	x	x	x	
Subpart 1	Section 172(c)(2)	RFP	x	x	x	x	x	x	
Subpart 1	Section 172(c)(3)	Emissions Inventory	x	x	x	x	x	x	
Subpart 1	Section 172(c)(4)	Identification and Quantification	x	x	x	x	x	x	
Subpart 1	Section 172(c)(5)	NNSR	x	x	x	x	x	x	
Subpart 1	Section 172(c)(6)	Other Measures	x	x	x	x	x	x	
Subpart 1	Section 172(c)(9)	Contingency Measures	x	x	x	x	x	x	
Subpart 2	Section 181	Classification and Attainment Dates	x						
Subpart 2	Section 182(a)(3)	Emissions Statements	x						
Subpart 2	Section 182(a)(4)	NNSR Offset Requirement for Marginal Areas	x						
Subpart 2	Section 182(b)(1)	RFP for Moderate Areas	x						
Subpart 2	Section 182(b)(2)	RACT (CTG and Major VOC)	x						
Subpart 2	Section 182(b)(3)	Gasoline Vapor Recovery	x						
Subpart 2	Section 182(b)(4)	I/M for Moderate Areas	x						
Subpart 2	Section 182(b)(5)	NNSR Offset Requirement for Moderate Areas	x						
Subpart 2	Section 182(c)(1)	Enhanced Monitoring for Serious Areas	x						
Subpart 2	Section 182(c)(2)(A)	Attainment Demonstration for Serious Areas	x						
Subpart 2	Section 182(c)(2)(B)-(C)	RFP for Serious Areas	x						
Subpart 2	Section 182(c)(3)	Enhanced I/M for Serious Areas	x						
Subpart 2	Section 182(c)(4)	Clean Fuel Vehicle Program (if applicable)	x						
Subpart 2	Section 182(c)(5)	Transportation Control (VMT Demonstration and TCM)	x						
Subpart 2	Section 182(c)(6)	NNSR De Minimis Rule	x						
Subpart 2	Section 182(c)(7)-(8)	Special Rules for Stationary Sources	x						

CAA Provisions		Requirement	Applicability						Plan Identification
			Ozone	CO	PM	SO ₂	Pb	NO ₂	
Subpart 2	Section 182(c)(9)	Contingency Measures for Serious Areas	x						
Subpart 2	Section 182(c)(10)	NNSR Offset Requirement for Serious Areas	x						
Subpart 2	Section 182(d)(1)	VMT (VMT Growth Demonstration and TCM)	x						
Subpart 2	Section 182(d)(2)	NNSR Offset Requirement for Severe Areas	x						
Subpart 2	Section 182(d)(3)	Penalty Fee Program under CAA Section 185	x						
Subpart 2	Section 182(e)(1)-(2)	NNSR Requirements for Extreme Areas	x						
Subpart 2	Section 182(e)(3)	Clean Fuels Requirement for Boilers	x						
Subpart 2	Section 182(e)(4)	Traffic Control Measures During Heavy Traffic Hours (Traffic Congestion Controls)	x						
Subpart 2	Section 182(f)	NOx Requirements (applying VOC requirements under Section 182)	x						
Subpart 2	Section 182(g)	RFP Milestones (for Serious, Severe and Extreme Areas)	x						
Subpart 2	Section 184(b)(1)	Plan Provisions in Ozone Transport Regions (Enhanced I/M and RACT)	x						
Subpart 3	Section 186	Classification and Attainment Dates		x					
Subpart 3	Section 187(a)(1)	Emissions Inventory		x					
Subpart 3	Section 187(a)(2)	VMT for Moderate Areas		x					
Subpart 3	Section 187(a)(3)	Contingency Measures for Moderate Area		x					
Subpart 3	Section 187(a)(4)	I/M for Moderate Areas		x					
Subpart 3	Section 187(a)(5)	Periodic Emissions Inventory		x					
Subpart 3	Section 187(a)(6)	Enhanced I/M for Moderate Areas		x					
Subpart 3	Section 187(a)(7)	Attainment Demonstration and Specific Annual Emission Reductions		x					
Subpart 3	Section 187(b)(2)	VMT for Serious Areas		x					
Subpart 3	Section 187(b)(3)	Oxygenated Gasoline		x					
Subpart 3	Section 187(c)	Areas with Significant Stationary Source VOC Emissions		x					
Subpart 3	Section 187(d)	CO Milestone		x					
Subpart 3	Section 187(g)	Failure to Attain for Serious Areas		x					
Subpart 4	Section 188	Classification and Attainment Dates			x				
	Section 189(a)(1)(A)	NNSR for Moderate Areas			x				

CAA Provisions		Requirement	Applicability						Plan Identification
			Ozone	CO	PM	SO ₂	Pb	NO ₂	
Subpart 4	Section 189(a)(1)(B)	Attainment Demonstration or Infeasibility Demonstration for Moderate Areas			x				
Subpart 4	Section 182(a)(1)(C)	RACM for Moderate Areas			x				
Subpart 4	Section 189(b)(1)(A)	Attainment Demonstration or Infeasibility Demonstration for Serious Areas			x				
Subpart 4	Section 189(b)(1)(B)	BACM for Serious Areas			x				
Subpart 4	Section 189(b)(3)	NNSR for Serious Areas			x				
Subpart 4	Section 189(c)	RFP Milestones			x				
Subpart 4	Section 189(d)	Failure to Attain for Serious Areas			x				
Subpart 4	Section 189(e)	Precursors			x				
Subpart 5	Section 191	Plan Submission Deadlines				x	x	x	
Subpart 5	Section 192	Attainment Dates				x	x	x	

Acronyms

BACM- best available control measures

CO- carbon monoxide

I/M- inspection and maintenance

NAAQS- national ambient air quality standard

NNSR- nonattainment new source review

NO_x- nitrogen oxides

Pb- lead

PM- particulate matter

RACM- reasonably available control measures

RACT- reasonably available control technology

RFP- reasonably further progress

SO₂- sulfur dioxide

TCMs- transportation control measures

VMT- vehicle miles traveled

Appendix C: MOA/ Joint Agreement Template for Early Engagement¹⁵



United States
Environmental Protection
Agency

<Insert air agency logo>

EPA Region <insert region> and <Insert air agency>

PURPOSE

The purpose of this document is to establish a joint agreement between EPA Region <insert region> (hereinafter referred to as EPA region) and <insert air agency> (hereinafter *referred to as* air agency), outlining the key expectations for communication and planning between the two parties during the development and review of state implementation plans (SIPs).

Both parties agree to annually review and update as appropriate this joint agreement and to abide by the principles, best practices and expectations outlined below and that are a part of the document, *Best Practices for EPA, State and Local Agencies in the State Implementation Plan Development and Review Process*.

COMMUNICATION

EPA region and air agency recognize the importance of consistent communication which includes sharing information of mutual interest and developing a relationship which will enable parties to improve interpersonal communication over time. EPA region and air agency managers should prioritize discussions relating to SIP issues and expectations, discussing interests openly prior to the SIP submission.

EPA region and air agency intends to:

- Be transparent about substantive approvability issues.
- Work collaboratively and early to resolve any identified deficiencies or key policy or legal issues in the submittal prior to submission of the SIP.

Both EPA and the air agency agree to try to operate as much as possible with a “no surprises” approach so that there is transparency in communications between the agencies.

¹⁵ This document was developed by the NACAA/ECOS SIP Reform Workgroup (SRWG) in December 2016 and provides a template agreement document for EPA and states to adopt that includes a set of commitments and best practices to clear SIP backlogs and process new SIP revisions in a timely manner. The edits highlighted in blue in underline/strikeout indicate changes to address the latest SIP lean effort.

PLANNING

EPA region and air agency recognize the importance of collaboratively prioritizing SIP actions to plan resources appropriately. To facilitate this, EPA region and air agency intends to:

- Hold routine conference calls <insert timeframe> (for example, monthly).
- Regularly identify and share a preliminary list of rules, SIPs, or policy projects that will affect the SIP to facilitate workload discussions. (This list could include deliverable products, persons involved, and a schedule of anticipated time frames).
- Coordinate the technical basis for the SIP revision to avoid duplication of effort and therefore avoid delays in EPA's review process.
- Include management on the routine calls.
- Ensure that a protocol is in place for EPA and the states for managers to relay information if not all staff can attend calls/meetings.

EPA region and air agency intend to:

- Meet in person annually (note: efficiency could be gained by timing with the CAA 105 or Performance Partnership Agreement (PPA)/Performance Partnership Grant (PPG) negotiations).
- EPA region will then complete the regional multi-year plan based on this information.

EARLY ENGAGEMENT

EPA region and air agency recognize the importance of coordination early in the SIP development process. "Early engagement" is expected to support the development of approvable SIPs and timely action on SIP submissions by EPA.

Air agencies will share plans for SIPs to be developed during annual workload planning discussions with EPA. SIP Development Schedules will be developed by air agency and shared with EPA to guide the planning process for each SIP revision.

To facilitate a thorough EPA review and early identification of approvability issues, air agency will make every effort to provide a complete draft of the SIP to the EPA region for review and comment prior to its public comment period and at least 4 to 12 months prior to submittal. EPA will have 30 days for review and comment on routine SIPs and up to 60 days for complex SIPs. For complex SIPs, EPA would ideally receive pieces of the SIP as they are developed before getting the complete draft for review.

EPA reviewers will review at this stage with a focus on identifying approvability issues. EPA region will engage all EPA offices that would eventually be involved in the review of the SIP once formally submitted. EPA will make reasonable efforts to identify and provide feedback on any approvability issues as early as possible within this review period. If issues have been elevated and will take more time than air agency can provide during the "early engagement" review period, EPA region will keep the air agency apprised regarding the status of EPA's review.

EXPECTATIONS

During the SIP process, EPA region and air agency agree to:

- A mutual understanding of each other's resources and resource constraints;
- A mutual understanding of each state's approval/adoption process;
- A mutual understanding of state/local administrative procedure laws/requirements;
- A mutual understanding that if air agency chooses to not address the approvability issues identified by EPA, EPA would plan to take appropriate action such as disapproval or return of an incomplete SIP.
- Acknowledge that addressing and preventing the SIP backlog will require mutual actions and commitments, and that regular and open communication is critical to reducing and preventing the SIP backlog and prioritizing EPA actions on SIPs.

Message

From: Moor, Karl [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=54EEA103CD094C3E92B1C4B459FDB45D-MOOR, KARL]
Sent: 12/9/2019 11:45:25 PM
To: Leslie Sue Ritts [lritts@rittslawgroup.com]
CC: George Sugiyama [Personal privacy].com]
Subject: Re: From George Sugiyama

Leslie, Al would be so good to see; will let Kelly know and drop in as she sees fit. Challenging beyond words but love it and the people. Regards, Karl

On Dec 9, 2019, at 5:21 PM, Leslie Sue Ritts <lritts@rittslawgroup.com> wrote:

Hi Carl – OMG, what are you thinking? (But they can really use the help over there.)

I am coming over there on Friday with NEDA/CAP, but I did *not* ask George to ask you if I can meet with you too. BUT SINCE he did ask you, and you said YES, I'd love to see you. About four of us are coming over to meet Kelley Raymond from 1-1:45. Just drop in and save her from us. I'll see if I can get Al Collins to come, although he may have told you that he's working directly for Vicki Hollub these days and thus spending all of his time in Houston.

<image001.png>

Leslie Sue Ritts
 Ritts Law Group, PLLC
 7330 Mallory Circle
 Alexandria, VA 22315
 (703) 823-2292 (office)
 (703) 966-3862 (cell)
lritts@rittslawgroup.com

From: George Sugiyama [Personal privacy].com>
Sent: Monday, December 9, 2019 5:11 PM
To: Leslie Sue Ritts <lritts@rittslawgroup.com>
Subject: [EXTERNAL] Fw: From George Sugiyama

From: Moor, Karl <Moor.Karl@epa.gov>
Sent: Monday, December 9, 2019 5:02 PM
To: George Sugiyama <[Personal privacy].com>
Subject: RE: From George Sugiyama

George, only you would understand how strange it is to hear people talking about words that you and I drafted almost thirty years to the day! When you get back up here would love to see you but meantime it will be a pleasure to see Leslie and I will break away from whatever I am doing or if she wants to lock in a time we can do that. Your Friend, Karl

From: George Sugiyama <[Personal privacy].com>
Sent: Monday, December 9, 2019 4:55 PM

To: Moor, Karl <Moor.Karl@epa.gov>

Subject: From George Sugiyama

Hey Karl:

Every time you think you are out, they drag you back in. Welcome back to EPA. There is chaos in the air office and you will provide the necessary expertise.

Personal privacy

My wife, Leslie

Ritts is still very active in EPA matters. She has a lot of cases in the DC circuit against EPA.

Leslie has plans to visit EPA on Friday and was wondering if she could meet with you.

I know that you are being inundated with calls and emails, but, please try to help her out if you see her phone number, 703-966-3862, or email crossing your desk.

Nice to have you back.

George

Message

From: Moor, Karl [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=54EEA103CD094C3E92B1C4B459FDB45D-MOOR, KARL]
Sent: 12/9/2019 10:09:19 PM
To: Byers, Dan [DByers@USChamber.com]; Jacks, Susan [Jacks.Susan@epa.gov]
CC: Raymond, Kelley [Raymond.Kelley@epa.gov]
Subject: RE: Meeting request

Dear Dan, not to worry, have spent my life adding a line on the back of the "C" and striking the "E." Look forward to meeting you on the 7th. Regards, Karl

From: Byers, Dan <DByers@USChamber.com>
Sent: Monday, December 9, 2019 4:05 PM
To: Jacks, Susan <Jacks.Susan@epa.gov>
Cc: Raymond, Kelley <Raymond.Kelley@epa.gov>; Moor, Karl <Moor.Karl@epa.gov>
Subject: RE: Meeting request

Thanks, Susan, for the speedy follow-up. We will take Tuesday the 7th at 2:00 p.m. (And Karl, apologies for butchering the spelling of your name!)

Dan

Dan Byers
 Global Energy Institute
 U.S. Chamber of Commerce
 (202) 463-5996



From: Jacks, Susan <Jacks.Susan@epa.gov>
Sent: Monday, December 9, 2019 3:37 PM
To: Byers, Dan <DByers@USChamber.com>
Cc: Raymond, Kelley <Raymond.Kelley@epa.gov>; Moor, Karl <Moor.Karl@epa.gov>
Subject: FW: Meeting request

Good Afternoon Mr. Byers,

Let's look at January since the end of the year gets so crazy with deadlines and vacations. Would any of the following times work for you?

Tuesday, 1/7 @ 2:00 or 3:00 pm
 Wednesday, 1/8 @ 2:00 or 3:00 pm
 Thursday, 1/9 @ 2:00 or 4:00 pm

Thank you,
 Susan

From: Raymond, Kelley <Raymond.Kelley@epa.gov>
Sent: Monday, December 9, 2019 2:29 PM
To: Byers, Dan <DByers@USChamber.com>
Cc: Jacks, Susan <Jacks.Susan@epa.gov>
Subject: RE: Meeting request

Dan-

Thanks so much! I mentioned it to Karl earlier, and we're both looking forward to seeing you all. Susan (cc'd) can help in finding the best time between his and my calendar in the next couple weeks.

Kelley Raymond
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Byers, Dan <DByers@USChamber.com>
Sent: Monday, December 9, 2019 1:26 PM
To: Raymond, Kelley <Raymond.Kelley@epa.gov>
Subject: Meeting request

Hi Kelley,

Congrats on your new position over at EPA OAR! Our small team here (myself, Heath Knakmuhs, and Chad Whiteman) is interested in coming in for a quick introductory meeting with you and Carl Moore to give you a sense of the most important issues to our membership.

Please let me know if you have some time over the next couple of weeks. If not, I think the first half January would be fine as well. Thanks!

Dan

Dan Byers
Global Energy Institute
U.S. Chamber of Commerce
(202) 463-5996



Message

From: Moor, Karl [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=54EEA103CD094C3E92B1C4B459FDB45D-MOOR, KARL]
Sent: 12/6/2019 7:16:33 PM
To: KARL [Personal privacy] COM
Subject: FW: Karl Moor

From: Block, Molly <block.molly@epa.gov>
Sent: Friday, December 6, 2019 2:00 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Moor, Karl <Moor.Karl@epa.gov>
Cc: Idsal, Anne <idsal.anne@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>
Subject: RE: Karl Moor

EPA

Air office appointee fought climate, pollution rules

Kelsey Brugger and Sean Reilly, E&E News reporters

Published: Friday, December 6, 2019



Karl Moor has been appointed to be a deputy chief in EPA's air office. Balch and Bingham LLP

EPA has hired another political appointee in its air regulatory office who has a long history of suing the agency.

Karl Moor on Monday joined the Office of Air and Radiation as a deputy assistant administrator, the agency confirmed this morning. Once a staffer in the Reagan administration and on Capitol Hill, Moor has in recent decades fought stricter environmental protections and climate policies in court.

"We're excited to have Karl as part of the EPA team," agency spokesperson Molly Block wrote today in an email. "He has worked for nearly two decades at the forefront of a range of environmental issues. His extensive background as both a senior executive and senior counsel and expertise on the Clean Air Act will be a welcome addition to our team, helping OAR to continue delivering on the President's agenda."

Moor joins a string of other political appointees at the air office in the Trump era, including air chief Anne Idsal and her top aides David Harlow, Kelley Raymond and Alex Dominguez. Many of them have backgrounds with trade groups and law firms representing energy companies.

Moor worked as a top executive at the utility Southern Co., where he was involved in challenges to EPA's Mercury and Air Toxics Standards and air quality enforcement, and, most recently, at the law firm, Balch and Bingham LLP. Now he is expected to be a top regulator on those same matters.

In 2016, Moor joined Balch as counsel in the environment and natural resources unit. In his career, he has also participated in litigation against pollution and climate initiatives involving the New Source Review pre-construction permitting program and EPA's authority to regulate carbon dioxide emissions.

"He is expected to bring a plethora of legal knowledge and experience," said Mandy Gunasekara, a former Trump EPA official who founded the Energy 45 Fund, a pro-Trump fundraising organization. "A few people who know him are very excited."

Gunasekara, who said she personally did not know Moor, thought he would take over former EPA deputy air chief Clint Woods' portfolio, which was heavily involved with relaxing pollution regulations and restricting the use of science in the rulemaking process. Woods left the post in September for a job at Ohio State University ([Greenwire](#), Nov. 22). Betsy Shaw, a career employee, also serves as a deputy assistant administrator in the air office.

When asked about Moor's past efforts to oppose EPA, Gunasekara stuck up for him. "Just because you are suing the agency doesn't mean you disagree with the mission of the agency," she said. "It just means that you disagree with the methods that the agency is going about it. The same thing could be said about [former EPA Administrator Scott] Pruitt."

Moor did not respond to questions about his background for this story. An E&E News review of public records obtained shows his involvement with the industry-backed Republican Attorneys General Association, which Pruitt was involved with while serving as attorney general of Oklahoma. In addition, in 2013, Moor spoke on a panel at Pruitt's Summit on Federalism and the Future of Fossil Fuels, according to a copy of the agenda.

In 2016, Moor joined Balch as counsel in the environment and natural resources unit. There, he participated in industry efforts to weaken EPA's authority to regulate CO2. To that end, he lost a Supreme Court case involving automobile emissions. His other litigation against Obama-era pollution and climate initiatives involved New Source Review, the Clean Power Plan, and mercury and air toxics standards.

Before that, in 1998, Moor joined Southern, where he "led industry efforts to fight EPA's New Source Review enforcement initiative and to defend against global climate change mass tort suits," according to a 2016 Balch press release announcing his move to the firm. He left Southern as a senior vice president and chief environmental counsel.

Over the years, Atlanta-based Southern Co. and its affiliated operating companies have been among the power industry's most aggressive challengers to more stringent air pollution regulations.

He was an in-house registered lobbyist for Southern from 1999 to 2006, according to congressional disclosure records.

"I work most often on litigation and policy-related coalitions that focus on obtaining changes in law or policy through the courts, and administrative agencies and/or Congress," he wrote in a profile previously posted on Balch's website. Among other accomplishments, he noted a successful appeal to the Supreme Court in litigation challenging EPA's 2012 mercury and air toxics standards. At Balch, his role was to advise clients on carbon capture utilization and storage, as well as carbon dioxide policies and international economic and regulatory developments in that field, the release indicates.

In an email this morning, a Balch spokeswoman confirmed that Moor was most recently "of counsel" in the firm's environmental and natural resources section but could not say when he left. Last year, a Balch partner, Joel Gilbert, was convicted for his role in a bribery scheme related to a Birmingham, Ala., Superfund site ([Greenwire](#), Oct. 24, 2018). There was no indication from prosecutors' filings that Moor was involved.

Moor has a bachelor's degree from the University of Montevallo in Alabama, a master's in technology and public policy from George Washington University, and a law degree from Georgetown University.

Reporters Kevin Bogardus and Timothy Cama contributed.

Twitter: [@kelseybrugger](#) Email: kbrugger@eenews.net

From: Jackson, Ryan <jackson.ryan@epa.gov>
Sent: Friday, December 6, 2019 2:00 PM
To: Moor, Karl <Moor.Karl@epa.gov>; Block, Molly <block.molly@epa.gov>
Cc: Idsal, Anne <idsal.anne@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>
Subject: RE: Karl Moor

Ex. 5 Deliberative Process (DP)

From: Moor, Karl <Moor.Karl@epa.gov>
Sent: Friday, December 6, 2019 1:57 PM
To: Block, Molly <block.molly@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Idsal, Anne <idsal.anne@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>
Subject: RE: Karl Moor

If useful, I did not have involvement in the matter. Karl

From: Block, Molly <block.molly@epa.gov>
Sent: Friday, December 6, 2019 11:56 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Idsal, Anne <idsal.anne@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Moor, Karl <Moor.Karl@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>
Subject: Re: Karl Moor

FYI - The reporter just responded with this:

We're also going to mention that Joel Gilbert, a Balch partner, was convicted in a bribery case last year related to a Birmingham Superfund site. We're not aware of any involvement on Moor's part in the scheme that led to Mr. Gilbert's conviction, but wanted to confirm that with you and see whether you otherwise had any comment.

Let me know by 12:30. thanks

Sent from my iPad

On Dec 6, 2019, at 11:02 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

He's a Clean Air Act expert too. Right?

From: Block, Molly <block.molly@epa.gov>
Sent: Friday, December 6, 2019 10:45 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Idsal, Anne <idsal.anne@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Moor, Karl <Moor.Karl@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>
Subject: Re: Karl Moor

Draft

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Dec 6, 2019, at 10:30 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

I think Anne circulated an email.

Ex. 5 Deliberative Process (DP)

From: Block, Molly <block.molly@epa.gov>
Sent: Friday, December 6, 2019 10:28 AM
To: Idsal, Anne <idsal.anne@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Moor, Karl <Moor.Karl@epa.gov>
Cc: Abboud, Michael <abboud.michael@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>
Subject: Fwd: Karl Moor

Flagging for you. Was there an email sent to OAR we could pull from?

Ex. 5 Deliberative Process (DP)

Molly

Sent from my iPhone

Begin forwarded message:

From: Kelsey Brugger <kbrugger@eenews.net>
Date: December 6, 2019 at 10:23:28 AM EST
To: "Block, Molly" <block.molly@epa.gov>
Cc: Press <Press@epa.gov>
Subject: Karl Moor

Hi Molly:

Kelsey Brugger from E&E News here. We are writing a short people story in Greenwire to note that Karl Moor has joined the Office of Air & Radiation as the Deputy Assistant Administrator. One question about the hire – why did EPA decide to bring on someone who has a long history suing the agency?

My deadline is noon today.

Thanks,
Kelsey

Kelsey Brugger
E&E News reporter
Ex. 6 (desk)
(cell)
@kelseybrugger

E&E NEWS

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